

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

WRIT PETITION NO. 2058 OF 2006

PETITIONERS :
DEFENDANTS :

1. Purshottam Puri S/o Bhuvneshwar Puri,
aged about 50 years.
2. Khageshwar Puri S/o Bhuvneshwar Puri,
aged about 44 years.
3. Tirathmati Wd/o Mohan aged about 82
years , by caste Mowar.
All resident of Mahadevpali, Tahsil Dabhra,
District Janjgir Champa (CG).
4. Bahartin Bai Wd/o Bhuvneshwarpuri , aged
about 75 years, resident of Village
Mahadevpali, Tahsil Dabhra, District Janjgir
Champa (CG).
5. Lata Bai D/o Bhuneshwarpuri W/o
Satyanandpuri, aged 50 years, resident of
Mahadevpali, Tahsil Dabhra, District Janjgir
Champa , at present residing at Village
Kesla ,Tahsil Gharghoda District Raigarh
(CG).

The Petitioner no. 4 and 5 are the legal heirs of
late Bhuvneshwarpuri .

VERSUS

RESPONDENTS:

Gandapuri S/o Danaipuri, (Died)
Legal Heirs

- 1(a). Khemrajpur S/o Gandapuri, aged
about 42 years .
- (b). Harishankerpuri S/o Gandapuri, aged
about 36 years .
- (c). Digamberpuri S/o Gandapuri, aged
about 28 years .
- (d). Radha Bai D/o Gandapuri, aged
about 45 years .
- (e). Gouri Bai D/o Gandapuri, aged
about 36 years .



P.R. No. 15351/06
Presented by Shri. Gopalapuri
dated 22/3/06

4

2

(e) Jamuna Bai D/o Gandapuri, aged about 34 years.

All resident of Village Mahadevpali, Tahsil Dabhra, District Janjgir Champa (CG).

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE

आदेश पत्रक

मामला क्रमांक

W.P. NO. 2058/

सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.05.2006 Smt. Mala Dubey, counsel for the petitioners. None for respondents. Heard on admission and M.W.P. No. 1555/2006. Respondents are legal representatives of Gandapuri. Gandapuri instituted a civil suit for declaration of title and permanent injunction against Bhuyneshwarpuri and others and also filed an application for grant of temporary injunction, under Order 39 rule 1 & 2 of the Code of Civil Procedure. That was rejected by trial Court and in appeal, temporary injunction in favour of respondents has been allowed by First Additional District Judge in Misc. Civil Appeal No. 1/1999 on 8.4.1999. Being aggrieved by the order of First Additional District Judge, Sakti, this petition under Section 227 of the Constitution of India has been preferred by the petitioners/defendants. Learned appellate Court after due consideration of the revenue records and material on record held that respondents are the owner of suit land Khasra No. 40/1 (kha) area 3.26 acres who are also in possession of it whereas the land purchased by petitioners/defendants are different, therefore, allowed the appeal. It is evident that according to khasra, the suit land is shown in possession of the respondents who are Bhoomiswami of the suit land. To support title and possession, affidavit has also been filed	

देखिये

आदेश पत्रक

मामला क्रमांक

WP No. 2058/

सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Kvr	by the respondents and that was not controverted by the petitioners/defendants. <i>Prima facie</i>, suit land is in possession of the respondents, therefore, their dispossession, may cause irreparable loss to them, as such the principles of balance of convenience and irreparable loss lie in their favour. Learned appellate Court did not commit any illegality, which may call for any interference by this Court. Accordingly, the Writ Petition No. 2058/2006 and M.W.P. No. 1555/2006 are dismissed.	Sd/- V.K.Shrivastava Judge

[पीछे देखिये]

185506